

Patent Application
Docket P14268US1
09/770,217

Remarks

Claims Objection

Claims 2, 7, and 13 stand objected because they contain a typo, as raised by the Examiner in the outstanding Office action.

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Responsive to the Examiner's objection, Applicants have corrected the typo and therefore respectfully request the withdrawal of the objection.

10 Claims Rejections: 35 U.S.C. §103(a)

Claims 1-24 stand rejected under section 103(a) of 35 U.S.C. for being allegedly rendered obvious in view of Morgan (US Patent 6,308,067) and in further view of Trop et al. (US Publication 2002147002).

Applicant respectfully traverses.

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Claim 1 has been amended to clearly and unambiguously point out the Applicants' invention. Amended claim 1 is directed to a method, comprising the steps of:

receiving a call dialed from a calling cellular mobile station having a post-paid subscription to a toll free telephone number recognized in a supporting cellular communications network as being associated with a prepaid service;

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responsive to the receipt of the call from the post paid subscription mobile station at the toll free number, triggering supporting cellular network calculation of a permitted prepaid use time for user communications effectuated through the post paid subscription mobile station;

through connecting the post paid subscription cellular mobile station to a user called destination to establish a call connection; and

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monitoring a duration of the established call connection against the calculated permitted use time.

Morgan teaches a wireless communications system for reducing fraud related to terminating call scenarios to a mobile station roaming outside its home network. In Morgan, when a roaming mobile subscriber pays for prepaid subscription to certain services to be provided in a visited mobile network, a Home Locator Record (HLR) of the subscriber is temporarily reconfigured upon receipt of a phone call directed to the roaming mobile station. The passages referred to by the Examiner (col. 7, line 63 – col. 8, line 17) simply disclose an embodiment of Morgan wherein each subscriber of the wireless communications system is assigned a toll free telephone number through which it can be reached in the visited network (also called a roaming port number). When receiving a call for such a subscriber via the roaming port number, the system detects if the subscriber has paid in advance for the requested wireless communications service and if so, it temporarily modifies the HLR of the subscriber to permit termination of the call. Once the call is established, the system also monitors the subscriber's prepaid call for depletion, as known in the art.

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Morgan differs from the Applicants claimed invention in several ways.

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First, Morgan is limited to providing prepaid services for a terminating party (the called party) if the called party pays in advance to receive mobile service in a visited network, where otherwise it would be prohibited service. As opposed to Morgan, in the Applicants claimed invention it is the calling party that benefits of a prepaid service.

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Amended claim 1 clearly points out this difference.

Second, the purpose of Morgan's system differs from the Applicants' claim 1. Morgan's general purpose is to let the called party pay in advance for roaming service that would otherwise be inhibited for the visiting subscriber. The Applicants scope is totally different, in that it allows post paid subscribers to place punctual prepaid calls by calling a toll free number associated with prepaid service for post paid subscribers.

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This is also clearly expressed in claim 1.

Thirdly, Morgan teaches that his toll free number is for use by a third party (whatever party it may be) in reaching a roaming subscriber in a visited network for call termination scenarios, if and only if the subscriber has prepaid for this service. Thus, in Morgan anyone can use the toll free number, the condition for the call to proceed being only related to the prepayment by the called party. As opposed to Morgan, in the Applicants claimed invention the toll free number is clearly and unambiguously associated with the provision of prepaid service for non-prepaid subscribers (i.e. for post paid subscribers).

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Therefore, Morgan cannot be said to teach or suggest to receive a call dialed from a calling cellular mobile station having a post-paid subscription to a toll free telephone number recognized in a supporting cellular communications network as being associated with a prepaid service. Morgan cannot be neither said to suggest that responsive to receipt of the call from the post paid subscription mobile station at the toll free number, triggering supporting cellular network calculation of a permitted prepaid use time for user communications effectuated through the post paid subscription mobile station.

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Trop et al. teaches a prepaid platform for cellular calling systems wherein a subscriber can receive calls from a caller in a mode in which the caller rather than the subscriber is charged. An administrating server determines upon receipt of a request for connection to the subscriber from the caller, whether or not the caller can be charged for the call. If the call can be charged to the caller, then the administrative server generates a charge. In paragraphs 2, 15, and 16, Trop et al. teach a system providing several options for billing for incoming calls, in accordance with selections made by the subscribers. For example, a pre-established number of incoming calls can be billed based on the identity of the caller and charged to the caller account. When the administrating server receives a request from the caller, it first checks in the call is chargeable to the caller based on conditions such as i) if the caller is calling from a telephone that can be charged and ii) if the caller has indicated that he is willing to pay for the charges. When the conditions are met, the connection is established and the caller rather than the called subscriber is charged for the call.

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Thus, Trop et al. has no relation whatsoever with the Applicants' claimed invention because his teaching is limited to a system that allows a caller, instead of a called party, to be charged for establishing a

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call with a mobile terminating party, i.e. to also assumed a charge that would have otherwise be assumed by the called party.

Conclusively, Trop et al. teaching is directed to a system allowing the participants to a call to select which one of the participants are to assumed a charge of the call. Therefore, it cannot be said that Trop et al. can be combined with Morgan, who is directed to a system that allows selective provision of roaming services for subscribers visiting another mobile network, provided that the roaming subscriber has prepaid for such service. In actual facts, there is absolutely no motivation to combine Morgan, who teaches selective provision of roaming services for prepaid visiting mobile stations in a roaming environment, with Trop et al., who teaches a method for charging a caller rather than a calling party for a call.

Finally, even by combining Morgan and Trop et al, their combination still fails to teach or suggest the elements of the claim 1 related to the receiving of a call dialed from a calling cellular mobile station having a post-paid subscription to a toll free telephone number recognized in a supporting cellular communications network as being associated with a prepaid service; and that responsive to the receipt of the call from the post paid subscription mobile station at the toll free number, supporting cellular network calculation of a permitted prepaid use time for user communications effectuated through the post paid subscription mobile station is triggered.

Therefore, Applicant respectfully submits that claim 1 is novel and nonobvious, and thus patentable over the teaching of Huang. Claims 2-5 are dependent of claim 1, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well. Claim 6 is an independent claim having limitations similar or even narrower than those of claim 1, and is therefore submitted as being patentable for the same reasons. Claims 7-11 are dependent of claim 6, and since they merely add further limitations and clarifications thereto, they are believed to be patentable as well. Finally, claim 12 is another independent claim with limitations similar to those of claim 1, and is therefore submitted as being patentable too, while claim 13-17 depends on the claim 12 and because they only add further limitations and clarifications thereto, are patentable as well. Claim 18 is another independent claim with limitations similar to those of claim 1, and is therefore submitted as being patentable too. Claim 19-24 depends on the claim 18 and because they only add further limitations and clarifications thereto, are patentable as well.

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Conclusion

All pending claims 1-24 are herein submitted as being in favorable condition for allowance.

5 In the Examiner finds out that a prosecution of the present invention would be facilitated by telephone interview, the Examiner is invited to contact the undersigned, Alex Nicolaescu, at telephone number (514) 345-7900 extension number 2596.

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Respectfully submitted,

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Sandra Beauchesne

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